

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Anthony Posey,

Petitioner

v.

Ronald Oliver, et al.,

Respondents

Case No. 2:24-cv-01123-CDS-BNW

**Order Granting a Final Extension Time and
Denying Motions for Summary Judgment**

[ECF Nos. 28, 29, 35, 45, 48]

Since receiving one extension of time to file their response to the petitioner's amended petition for writ of habeas corpus (ECF No. 26), respondents have filed three additional motions to extend the time. ECF Nos. 28, 35, 48. I find that respondents' motions are in good faith and not solely for the purpose of delay. However, I note that my order directing a response to the petition was entered November 4, 2024, and the original deadline for the response was January 5, 2025. See ECF No. 20. Thus, I will allow a final extension to July 7, 2025, but not permit any additional extensions in the absence of extraordinary circumstances.

Also pending before me are two motions for summary judgment filed by the petitioner. ECF Nos. 29. Because they are premised on respondents' alleged failure to file a timely response to his petition, the motions are effectively seeking a default judgment. Default judgments are inappropriate in the habeas context. *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990). Thus, the motions will be denied.

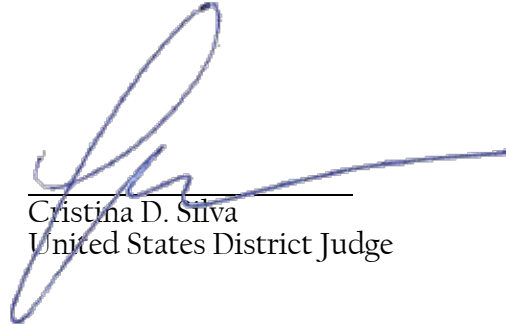
Conclusion

I therefore order that respondents' most recent motion to extend time [ECF No. 48] is **granted**. Their response to the amended petition (ECF No. 10) is due **July 7, 2025**. With this extension, respondents' prior motions for an extension of time [ECF Nos. 28, 35] are rendered

1 moot and are denied as such. Respondent will not be granted a further extension in the absence
2 of extraordinary circumstances.

3 I further order that petitioner's motions for summary judgment [ECF Nos. 29, 45] are
4 denied.

5 Dated: June 11, 2025

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8 Cristina D. Silva
9 United States District Judge
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